

Authorised Version No. 001
**Water (Subdivisional Easements and
Reserves) Regulations 2011**

S.R. No. 13/2011

Authorised Version as at
19 March 2011

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**Water (Subdivisional Easements and
Reserves) Regulations 2011**

S.R. No. 13/2011

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1 Objective

The objective of these Regulations is to prescribe the rights of an Authority upon the creation of an easement or reserve for the use of the Authority when land is subdivided.

2 Authorising provision

These Regulations are made under section 324 of the **Water Act 1989**.

3 Commencement

These Regulations come into operation on 19 March 2011.

4 Revocation

The Water (Subdivisional Easements and Reserves) Regulations 2001¹ are **revoked**.

5 Definitions

In these Regulations—

the Act means the **Water Act 1989**;

bank includes groyne;

change includes alter, cut off, add to, replace, remove and reconstruct;

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channel works include—

- (a) channels and ancillary works; and
- (b) the following related works—
 - (i) bridges;
 - (ii) siphons;
 - (iii) inlets;
 - (iv) outlets;
 - (v) regulators;
 - (vi) controlling, metering and communication;
 - (vii) power and telemetry devices;
 - (viii) buried cables;
 - (ix) culverts;
 - (x) subways;
 - (xi) pipes;
 - (xii) fittings;
 - (xiii) drains;
 - (xiv) drop structures;

construct includes erect, lay, place, build or fabricate;

drainage works include—

- (a) drains and ancillary works, culverts and spillways; and
- (b) the following related works—
 - (i) drop structures;
 - (ii) control gates;
 - (iii) controlling, metering and communication;
 - (iv) power and telemetry devices;

- (v) buried cables;
- (vi) pipes;
- (vii) fittings and escapes;

excavate includes dig or cut;

inspect includes patrol;

maintain includes cleanse, flush, repair, and if necessary, remove;

matter includes timber, soil and vegetation;

plant includes machines, vehicles, equipment and materials;

pipeline works include—

- (a) pipelines and ancillary works; and
- (b) the following related works—
 - (i) marker posts;
 - (ii) valves;
 - (iii) valve chambers;
 - (iv) housings;
 - (v) controlling, metering and communication;
 - (vi) power and telemetry devices;
 - (vii) buried cables;
 - (viii) vertical surgepipes;
 - (ix) air vessels;
 - (x) fittings;
 - (xi) connections;
 - (xii) anti-corrosion equipment;
 - (xiii) hatches;
 - (xiv) access points;

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- (xv) inspection openings and pits;
- (xvi) cleaning pits;
- (xvii) scouring devices;
- (xviii) drains;
- (xix) underground pumps;
- (xx) underground and above-ground storage tanks;

soil includes earth, stone and gravel;

subway means an underground access way or underground conduit;

waterway management works include—

- (a) drainage systems or drainage works; and
- (b) related subways; and
- (c) any other works related to waterway management functions;

weir includes dam or levee.

6 Rights of an Authority for pipelines or ancillary purposes and channels

- (1) This regulation applies if an easement is required to be created under section 136(1) of the Act for the purposes of pipelines or ancillary purposes or for the purposes of channels.
- (2) For the purposes of section 136(2) of the Act, the following rights are prescribed in relation to land burdened by the easement to which this regulation applies—
 - (a) at all times, full and free access to enter upon and pass over the land (with or without plant);
 - (b) to take onto and remove plant from the land;

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- (c) to clear and excavate the land;
 - (d) to construct pipeline works or channel works on, over or under the land;
 - (e) to use and operate pipeline works or channel works on the land;
 - (f) to inspect, maintain or change pipeline works or channel works on the land (including a change in their size or number);
 - (g) to remove any matter from or deposit any matter on the land.

7 Rights of an Authority for carriageway purposes

- (1) This regulation applies if an easement is required to be created under 136(1) of the Act for the purpose of carriageways.
- (2) For the purposes of section 136(2) of the Act, the following rights are prescribed in relation to land burdened by the easement to which this regulation applies—
 - (a) to construct and maintain a road or access track on the land;
 - (b) at all times, full and free access to enter upon and pass over the land (with or without plant);
 - (c) to take onto and remove plant from the land;
 - (d) to clear and excavate the land;
 - (e) to remove any matter from or deposit any matter on the land.

8 Rights of an Authority for the purposes of drainage

- (1) This regulation applies if an easement is required to be created under 136(1) of the Act for the purpose of drainage.

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- (2) For the purposes of section 136(2) of the Act, the following rights are prescribed in relation to land burdened by the easement to which this regulation applies—
- (a) to construct drainage works on the land;
 - (b) to use and operate drainage works on the land;
 - (c) to remove obstacles to the flow of water on the land;
 - (d) to inspect, maintain or change drainage works on the land (including a change in their size or number);
 - (e) at all times, full and free access to enter upon and pass over the land (with or without plant);
 - (f) to take onto and remove plant from the land;
 - (g) to clear and excavate the land;
 - (h) to remove any matter from or deposit any matter on the land.

9 Rights of an Authority for the purposes of waterway management

- (1) This regulation applies if an easement is required to be created under 136(1) of the Act for the purpose of waterway management.
- (2) For the purposes of section 136(2) of the Act, the following rights are prescribed in relation to land burdened by the easement to which this regulation applies—
- (a) to protect and enhance any waterway on the land;
 - (b) to plant, maintain and remove vegetation on the land;

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- (c) to construct, maintain or remove fences or gates to protect vegetation on the land;
 - (d) to construct waterway management works on the land;
 - (e) to use and operate waterway management works on the land;
 - (f) to inspect, maintain or change the waterway management works on the land (including a change in their size or number);
 - (g) to construct and maintain any weir or bank on the land;
 - (h) at all times, full and free access to enter upon and pass over the land (with or without plant);
 - (i) to take onto and remove plant from the land;
 - (j) to clear and excavate the land;
 - (k) to remove any matter from or deposit any matter on the land;
 - (l) to construct and maintain a road or access track on the land.

10 Rights on the creation of a reserve

- (1) This regulation applies if a reserve is required to be created for a purpose specified in section 136(1) of the Act.
 - (2) For the purposes of section 136(2) of the Act, the rights prescribed are all the rights attaching to the fee simple of the land constituting the reserve to which this regulation applies.
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ENDNOTES

1. General Information

The Water (Subdivisional Easements and Reserves) Regulations 2011, S.R. No. 13/2011 were made on 15 March 2011 by the Lieutenant Governor as the Governor's Deputy with the advice of the Executive Council under section 324 of the **Water Act 1989**, No. 80/1989 and came into operation on 19 March 2011: regulation 3.

The Water (Subdivisional Easements and Reserves) Regulations 2011 will sunset 10 years after the day of making on 15 March 2021 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the Water (Subdivisional Easements and Reserves) Regulations 2011 by statutory rules, subordinate instruments and Acts.

Endnotes

3. Explanatory Details

¹ Reg. 4: S.R. No. 22/2001.